



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,175	01/18/2001	Mark Buonanno	CSCO-38240	9529

7590 03/29/2006
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
----------	--------------

3639

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/766,175	Applicant(s) BUONANNO ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received on 1/30/2006 is acknowledged and entered. Claims 7-9, 20-21 and 26 have previously been canceled. Claims 1-6 have been amended. Claims 1-6, 10-19 and 22-25 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 10, 11, 16, 17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 6,029,140) in view of Pugh et al. (US 5,414,754).

Martin et al. (Martin) teaches a method, system and computer-readable medium for implementing said method for on-time product delivery, tracking and reporting, comprising:

Claims 1, 10, 16 and 22,

receiving an order for delivery of a product placed by a customer (C. 3, L. 36-38);
initiating a workflow process to handle delivery of product of the order to the customer (C. 3, L. 38-46);

monitoring the workflow process to detect any problems related to the delivery of the order by the workflow program (C. 3, L. 65-67);

notifying a human call center agent if a problem related to delivery of the product to the customer occurs during the processing of the order thereby enabling

Art Unit: 3639

proactively contacting the customer (the customer order entry is routed to a human order scheduler for assignment of a targeted ship date) (C. 3, L. 67 – C. 4, L. 2, 45-47);

proactively notifying the customer in response to the problem to resolve the problem (C. 4, L. 50-51).

Martin does not specifically teach that said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by said human operator.

Pugh et al. (Pugh) teaches a method and system for providing proactive call services, wherein remote operator proactively establishes a telephone interaction (places a phone call) with a customer to assist the customer with various issues (Abstract, Fig. 3, item 311).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin to include that said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by said human operator, as disclosed in Pugh, because it would advantageously allow to collect information from customers regarding their satisfaction with supplier service, which in turn would allow to evaluate supplier performance and provide statistical analysis of on-time deliveries (Martin, C. 2, L. 11-20).

Furthermore, Martin teaches:

Claims 2, 11, 17 and 23,

automatically fixing the problem and informing the customer of the problem and the solution before being contacted by the customer (C. 4, L. 45-51).

Claims 3, 12, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Pugh et al. and further in view of Gregoire et al. (US 6,328,207).

Claims 3, 12, 18 and 24.

Martin in view of Pugh teach researching the problem, and proposing a solution to the customer before being contacted by the customer (C. 4, L. 2-12).

Martin in view of Pugh do not explicitly teach explaining the problem to the customer.

Gregoire et al. (Gregoire) teaches a method and system for providing services to a customer, wherein, if a problem regarding ability to provide a requested service to the customer is found, a human operator cordially explains to the customer over the telephone that there is a problem and that the service cannot be completed (C. 5, L. 19-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin and Pugh to include explaining to the customer that there is a problem with the order, as disclosed in Gregoire, because it would advantageously enhance customer service. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin, Pugh and Gregoire to include that said *explaining that there is a problem* includes *explaining the problem*, because it would advantageously allow to collect information from customers regarding their satisfaction with supplier service, which in turn would allow to evaluate supplier performance and provide statistical analysis of on-time deliveries (Martin, C. 2, L. 11-20).

Claims 4, 13, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Pugh et al. and further in view of Official Notice.

Claims 4, 13, 19 and 25.

Martin and Pugh teach establishing a telephone (collaboration) session between the customer and the service provider to resolve the problem.

Martin and Pugh do not specifically teach that said telephone (collaboration) session is established between *representatives* of the customer and the service provider.

Art Unit: 3639

Official notice is taken that it is old and well known to provide a specific written authority to execute and sign one or more legal instruments for another person (power of attorney).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify view of Martin and Pugh to include *establishing a collaboration session between representatives of the customer and the service provider to resolve the problem*, because it would simplify this process for both sides.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Pugh et al. and further in view of Krichilsky et al. (US 6,530,518).

Claims 5 and 14.

Martin and Pugh teach all the limitations of Claims 5 and 14, except specifically teaching that said order is placed on-line, and via B2B exchange or B2B enterprise resource planning.

Krichilsky et al. (Krichilsky) teaches a method and system for providing information on product delivery, including placing an order by a customer on-line, wherein interactions are conducted in B2B environment (C. 3, L. 23-30; C. 1, L. 19-20, 41-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin and Pugh to include that said order is placed on-line, and via B2B exchange, as disclosed in Krichilsky, because it would advantageously allow to the customer to view information regarding delivery of the ordered product (Krichilsky, C. 1, L. 35), thereby enhancing customer service.

Response to Arguments

Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach "proactively establishing a telephonic interaction between said human call center agent and the customer in response to the problem to resolve the problem", it is noted that Martin in view of Pugh does, in fact, teach said features. Specifically, Martin teaches: notifying a human call center agent if a problem related to delivery of the product to the customer occurs during the processing of the order, thereby enabling proactively contacting the customer (the customer order entry is routed to a human order scheduler for assignment of a targeted ship date) (C. 3, L. 67 – C. 4, L. 2, 45-47); and proactively notifying the customer in response to the problem to resolve the problem (C. 4, L. 50-51). Pugh was applied to show that said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by said human operator (Abstract, Fig. 3, item 311).

In response to applicant's argument that the prior art does not teach "the problem is not ultimately resolved until the call center agent interacts with the customer", it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Pugh would modify Martin unsatisfactory for Martin's intended purpose, the examiner points out that, on the contrary, Pugh will only improve the functionality of the Martin's invention. Both Martin and Pugh relate to providing proactive services to resolve customers problem. Both Martin and Pugh teach use of a human agent for this purposes. The motivation to modify Martin to include that

Art Unit: 3639

said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by said human operator would be to providing ability to collect information from customers regarding their satisfaction with supplier service, which in turn would allow to evaluate supplier performance and provide statistical analysis of on-time deliveries (Martin, C. 2, L. 11-20).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

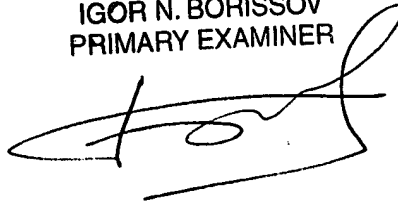
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
3/24/2006

IGOR N. BORISSOV
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Igor N. Borissov', written over the printed name and title.